

ORIGINAL

IN THE CIRCUIT COURT OF THE
FOURTH JUDICIAL CIRCUIT, IN
AND FOR DUVAL COUNTY, FLORIDA.

CASE NO.: 16-2008-CA-010332

DIVISION: CV-F

HUGH COTNEY, as Attorney Ad Litem
for JANE DOE, a minor child,

Plaintiff,

vs.

RICHARD L. TYLSKI, an individual,
JANE M. TYLSKI, an individual,

Defendants.

DEPOSITION OF RICHARD LEE TYLSKI

DATE: January 13, 2016

TIME: 3:00 p.m. - 3:15 p.m.

PLACE: Richard C. Stoddard
3100 University Boulevard South
Suite 101
Jacksonville, Florida 32216

Stenographically reported by F. Darlene
Ricketson, Notary Public in and for the State of
Florida at Large, pursuant to Plaintiff's Second
Amended Notice of Taking Defendant's Deposition in
Aid of Execution Pursuant to Fla.R.Civ.P.1.560.

- - -

PROFESSIONAL REPORTING SERVICES
418 East Bay Street
Jacksonville, Florida 32202 (904-232-3557)

A P P E A R A N C E S

RICHARD C. STODDARD, ESQ.

3100 University Boulevard South
Suite 101
Jacksonville, Florida 32216

Attorney for Plaintiff

RICHARD LEE TYLSKI

Appearing Pro Se

- - -

I N D E X

WITNESS: RICHARD LEE TYLSKI

EXAMINATION	<u>Page</u>
By Mr. Stoddard	4

E X H I B I T S

<u>Plaintiff's</u> <u>for Identification</u>	<u>Page</u>
No. 1	7
No. 2	7
No. 3	8

- - -

PROCEEDINGS

January 13, 2016

3:00 p.m.

— — —

THE REPORTER: Sir, I need you to raise your right hand. Do you swear or affirm that the testimony you're about to give in this cause will be the truth, the whole truth, and nothing but the truth?

THE WITNESS: Yes, ma'am.

RICHARD LEE TYLSKI,
having been produced and first duly sworn as a
witness on behalf of plaintiff, testified as
follows:

EXAMINATION

BY MR. STODDARD:

Q Would you state your full name, please,
sir.

A Richard Lee Tylski.

Q You're the defendant in a lawsuit that was brought by Hugh Cotney, as attorney ad litem for Jane Doe, a minor child, in the Duval County Circuit Court, Case No. 16-2008-CA-010332; is that correct?

A Yes, sir.

Q And your wife is also a defendant in this case with you?

1 A Yes, sir.

2 Q You're here in response to a subpoena
3 duces tecum, Latin words for bring it all with you,
4 that was served on you. I first took your
5 deposition on January the 5th, 2016, did I not?

6 A Yes, sir.

7 Q You were going to bring back some
8 additional materials with you today; is that
9 correct?

10 A Yes, sir.

11 Q This is a continuation of your deposition;
12 is that right?

13 A Yes, sir.

14 Q You reside in your home with your wife,
15 Jane Tylski?

16 A Yes, sir.

17 Q And you have a minor son, Jacob, and he
18 resides there with you?

19 A Yes, sir.

20 Q It's your testimony that you provide more
21 than one-half of their support?

22 A Yes, sir.

23 Q But you have two other sons, Joshua and
24 Jordan, and they are not living with you. They're
25 living away and they're going to college and you do

1 not pay more than one-half of their support; is that
2 correct?

3 A Yes, sir.

4 Q And do you recall receiving from my office
5 what is known and filed in this case as Plaintiff's
6 First Certificate of Service on Individual
7 Defendants of Garnishment, and that's dated
8 December 9, 2015.

9 A Yes, sir.

10 Q Is that correct?

11 A Yes, sir.

12 Q And it's your recollection that you
13 received that either the following day, which would
14 have been Thursday, or the day after that, which
15 would have been Friday, that's either December 10,
16 2015, or December 11, 2015; is that correct?

17 A Yes, sir.

18 Q And I've showed you a copy of the bank's
19 answer, the writ of garnishment.

20 A Yes.

21 MR. STODDARD: And I'm going to ask the
22 court reporter to mark as Plaintiff's Exhibit
23 No. 1, Plaintiff's First Certificate of Service
24 on Individual Defendants of Garnishment
25 reflecting a mailing date of December 9, 2015.

1 We'll mark that as Plaintiff's 1.

2 (Plaintiff's Exhibit No. 1 was marked for
3 identification.)

4 MR. STODDARD: And I'm going to ask the
5 court reporter to mark as Plaintiff's Exhibit
6 No. 2, Judgment Assignee Certificate of Service
7 of Garnishee's Amended Answer and Demand for
8 Garnishment Fee, which is attached the Amended
9 Answer of Garnishee and Demand for Garnishment
10 Fee. This will be Plaintiff's 2.

11 (Plaintiff's Exhibit No. 2 was marked for
12 identification.)

13 BY MR. STODDARD:

14 Q Mr. Tylski, if you look at the bank's
15 amended answer, down at the bottom, paragraph 1 on
16 the first page, and it says that they, the bank --
17 garnishee, Wells Fargo Bank, is indebted to you and
18 your wife -- this is paragraph 1A -- in the amount
19 of 5,608.64. I'll show it to you if you want.

20 A This one?

21 Q Yes, that's it. Do you see the amended
22 answer of paragraph 1A?

23 A Yes.

24 Q That was the amount in the joint account
25 which the bank holding \$5,608.64?

1 A Yes, sir.

2 Q There is a small amount of money in a
3 separate account in your wife's name, Jane Tylski.
4 That's the \$176.60. Do you see that?

5 A Yes, sir.

6 Q If you just look at what's in both of your
7 names, the \$5,608.64, if you break down what was --
8 what you claim is money in there, you're receiving
9 as disability income payments -- and incidentally
10 we'll put a copy in the record. This will be
11 Plaintiff's 3. You may recognize this as your Claim
12 of Exemption and Request for Hearing.

13 A Yes, sir.

14 MR. STODDARD: If you will mark that as
15 Plaintiff's 3.

16 (PPlaintiff's Exhibit No. 3 was marked for
17 identification.)

18 Q So according to your testimony, the money
19 that you're receiving is disability and you've
20 testified that you were hurt playing in the National
21 Football League; is that correct?

22 A Yes, sir.

23 Q And you're receiving what you call a line
24 of duty payment?

25 A Yes, sir.

1 Q Which you understand is for your disability?
2 A Yes, sir.
3 Q Was that your knee?
4 A Most of it, yes, sir.
5 Q All right. Which knee was that?
6 A The right knee.
7 Q The right knee. And if you're injured
8 enough in your right knee, you can't play and you
9 can't earn your money; is that right?
10 A Correct.
11 Q Because you understand that this is line
12 of duty money that's paid to you for this disability?
13 A Yes, sir.
14 Q And you would allocate out of the
15 \$5,608.64 that line of duty or disability payment is
16 \$2,907.19.
17 A Yes, sir.
18 Q That would leave \$2,701.64, and it's your
19 testimony that that is money or wages paid to you.
20 A Yes, sir.
21 Q Right?
22 A Yes, sir.
23 Q And it's paid to you for your services; is
24 that a fair statement, or it's paid to you on a
25 commission basis?

1 A Paid to me on a commission basis, yes,
2 sir.

3 MR. STODDARD: Let's go off the record.

4 (Discussion off record and recess)

5 MR. STODDARD: We'll go back on the
6 record.

7 Q Mr. Tylski, I've asked you several
8 questions on this continuation of your deposition
9 and have you answered them truthfully?

10 A Yes, sir.

11 Q And under oath; is that correct?

12 A Yes, sir.

13 Q Our court reporter is a professional. If
14 this is typed up, and filed with the court, the
15 court can consider it, okay. Most people that I
16 take their deposition, they have a right to come
17 in -- you do. You have a right to come in and read
18 it before any hearing. Most people waive that
19 right. If you want a copy, Darlene will send you a
20 copy. She'll have to charge you for it.

21 A Okay.

22 Q I have to pay for the original if I want
23 it written up and I have to file it with the court
24 and I also have to pay for a copy. If you want a
25 copy, she'll sell you one.

1 A Okay. Thank you.

2 Q Would you like to read and sign it before
3 she files it. Most people waive that right because
4 we use professional reporters, but it's up to you.

5 A No, sir.

6 Q Do you waive?

7 A I do.

8 MR. STODDARD: That's it. Thank you very
9 much.

10 (Witness excused)

11 (The deposition was concluded at
12 3:15 p.m.)

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CERTIFICATE OF OATH

STATE OF FLORIDA)
)
COUNTY OF DUVAL)

I, F. Darlene Ricketson, the undersigned authority, certify that RICHARD LEE TYLSKI personally appeared before me on January 13, 2016, and was duly sworn.

WITNESS my hand and official seal this
18th day of January 2016.


F. Darlene Ricketson



REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA)
)
COUNTY OF DUVAL)

I, F. Darlene Ricketson, Court Reporter, certify that I was authorized to and did stenographically report the deposition of RICHARD LEE TYLSKI; that a review of the transcript was not requested; and that pages 1 through 13, inclusive, are a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

I further certify the original deposition will be delivered to Richard C. Stoddard, Esq., attorney for plaintiff, for filing with the court or his safekeeping.

DATED this 18th day of January 2016.


F. Darlene Ricketson

IN THE CIRCUIT COURT IN AND FOR THE
FOURTH JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA.

CASE NO: 16-2008-CA-010332

DIVISION: CV-F

HUGH COTNEY, as Attorney Ad Litem
for JANE DOE, a minor child,

Plaintiff,

vs.

RICHARD L. TYLSKI, an individual,
JANE M. TYLSKI, an individual,

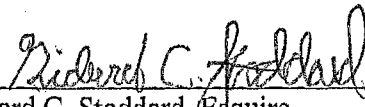
Defendants,

WELLS FARGO BANK, N.A.,

Garnishee.

PLAINTIFF'S FIRST CERTIFICATE OF SERVICE
ON INDIVIDUAL DEFENDANTS OF GARNISHMENT

I HEREBY CERTIFY that a copy of the Motion For Writ of Garnishment, Writ Of Garnishment and Notice To Defendants has been furnished to Defendants, 5456 Tierre Verde Lane, Jacksonville, Florida, 32258, by U. S. Mail, first class, postage pre-paid, this 9th day of December, 2015.


Richard C. Stoddard, Esquire
Florida Bar No: 113077
3100 University Boulevard South
Suite 101
Jacksonville, Florida 32216
Telephone: (904) 724-5060
Facsimile: (904) 725-4818

Attorney for Judgment Assignees
Howard Clifton Utley, Jr. and Karla Kristine Utley

IN THE CIRCUIT COURT IN AND FOR
THE FOURTH JUDICIAL CIRCUIT, IN
AND FOR DUVAL COUNTY, FLORIDA.

CASE NO: 16-2008-CA-010332

DIVISION: CV-F

HUGH COTNEY, as Attorney Ad Litem
for JANE DOE, a minor child,

Plaintiff,

vs.

RICHARD L. TYLSKI, an individual,
JANE M. TYLSKI, an individual,

Defendants,

WELLS FARGO BANK, N.A.,

Garnishee.

MOTION FOR GARNISHMENT


Judgment Assignees HOWELL CLIFTON UTLEY, JR. and KARLA KRISTINE UTLEY,
move the Court for the issuance of Writ Of Garnishment and for reason therefore say:

1. Plaintiff HUGH COTNEY in this case recovered a Final Judgment against Defendants RICHARD L. TYLSKI and JANE M. TYLSKI on February 23, 2010 in the total amount of \$1,000,000, a copy being attached as Exhibit A.

2. On or about September 16, 2015 Plaintiff assigned this Final Judgment to Judgment Assignees, a copy being attached as Exhibit B and judgment is due, owing and unpaid.

3. Judgment Assignees have reason to believe that Garnishee WELLS FARGO BANK, N.A., 1031 Riverplace Boulevard, Jacksonville, Florida has in its hands, possession or control, goods, monies, chattels or effects belonging to Defendants RICHARD L. TYLSKI and JANE M. TYLSKI, whose last known address is believed to be 5456 Tierra Verde Lane, Jacksonville, Florida 32258.

DATED December 3, 2015


Richard C. Stoddard, Esquire
Florida Bar No: 113077
3100 University Boulevard South
Suite 101
Jacksonville, Florida 32216
Telephone: (904) 724-5060
Facsimile: (904) 725-4818

Attorney for Judgment Assignees

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA.

CASE NO.: 16-2008-CA-010332
DIVISION: CV-F

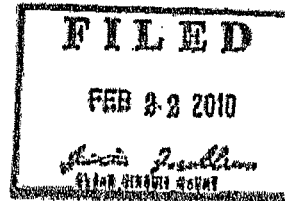
HUGH COTNEY, as Attorney Ad Litem
for JANE DOE, a minor child,

Plaintiff,

vs.

RICHARD L. TYLSKI, an individual
JANE M. TYLSKI, an individual,

Defendants.



FINAL JUDGMENT

THIS CAUSE came on for trial before the Court on February 18, 2010. Hugh Cotney, as Attorney Ad Litem for Jane Doe, a minor child (the "Child") has sued both Richard L. Tylski and Jane M. Tylski for intentional infliction of emotional distress, assault, and battery allegedly committed upon the Child.¹ The Plaintiff seeks an award of both compensatory and punitive damages arising out of these claims. The Court has considered the evidence of the parties, and their arguments. It finds and concludes as follows:

The Child was adopted by the Defendants in April, 2004, and resided with them until

¹ The Complaint also asserted claims against each party for negligent infliction of emotional distress, and a claim against Richard Tylski only for negligence. The Plaintiff announced at trial that he was abandoning those claims.

March 9, 2006, when she was six years old. The Tylskis have admitted that during this time they employed methods of punishment upon this Child that included striking her with a belt, hitting her with a wooden spoon, placing "hot sauce" on her tongue, bending her fingers backwards, and otherwise striking her. Such "discipline" was administered upon her when she was as young as four years old.

Jane Tylski has also admitted that when the Child suffered an extremely painful broken femur on March 9, 2006, she waited approximately seven and one-half hours before seeking medical care for the Child. She has further pled guilty to a criminal charge, and thereby admitted, that she committed Aggravated Child Abuse upon the Child between October 23, 2003 (the date on which the Tylskis obtained custody of the Child) and March 9, 2006. In doing so, she specifically admitted that she "... did knowingly or willfully abuse a child by intentionally committing acts which could reasonably be expected to result in physical or mental injury to [Jane Doe], and in doing so did maliciously punish, and/or willfully torture, and/or cause great bodily injury to [Jane Doe] ...".

Richard Tylski was further criminally prosecuted for physical actions he took against the Child during the same period. In connection therewith, he did ultimately admit that "I spanked my daughter with a belt which exceeded the scope of appropriate parental discipline which resulted in some of the marks as seen on [Jane Doe] on March 9, 2006."

On the foregoing date in March 2006, the Tylskis did present the Child to the Baptist Hospital Jacksonville Emergency Room with a broken femur, and also an incredible number of bruises and scratches. Those bruises or scratches extended at least over her right lower

leg and outer right thigh, her left hip and thigh, her left lower leg, her left hand, and the front and back of her trunk. Some of the bruises appeared to be fresh, while others were older in time. Some of the bruises could have been susceptible to innocent explanation, but cumulatively the injuries exhibited by the Child could only have occurred from physical abuse. In addition, her left ring finger was badly deformed from a broken bone the Child had suffered one to two months before.

Upon the foregoing evidence, it is clear that the Defendants are each guilty of committing the alleged torts upon the Child. Although it is difficult to determine from the evidence specifically what abuse occurred at the hands of Richard Tylski, as opposed to Jane Tylski, it is clear that the latter did intentionally break the Child's left ring finger by bending it backwards; and did break her femur by bending her leg over her head. As a result of the foregoing, the Child has suffered permanent physical and emotional damage.

The Plaintiff has proved that he is entitled to an award of compensatory damages as and for the benefit of the Child against both Defendants. He has further proved by clear and convincing evidence that he is entitled to an award of punitive damages against Defendant Jane Tylski only.

ORDERED AND ADJUDGED:

1. Plaintiff Hugh Cotney, in his official capacity, shall recover from Richard L. Tylski and Jane M. Tylski, jointly and severally, as and for compensatory damages, the sum of \$1,000,000 (One Million Dollars), which shall bear interest at the rate of 6 (six) percent, for which let execution issue.

2. Plaintiff Hugh Cotney, in his official capacity, shall recover from Defendant Jane M. Tylski, as and for punitive damages, the sum of \$250,000 (Two Hundred Fifty Thousand Dollars) -- that shall bear interest at the rate of 6 (six) percent, for which let execution issue.

3. The Court retains jurisdiction over this cause for the purpose of taxing costs.

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida, this 23rd day of February, 2010.



HUGH A. CARITHERS
Circuit Judge

Copies furnished to:

Robert F. Spohrer, Esquire
SPOHRER & DODD, P.L.
701 West Adams Street, Suite 2
Jacksonville, FL 32202

Hugh Cotney, Esquire
233 East Bay Street, Suite 905
Jacksonville, FL 32202

Richard L. Tylski
Jane M. Tylski
5456 Tierra Verde Lane
Jacksonville, FL 32258

Mr. and Mrs. Hal Utley

STATE OF FLORIDA
DUVAL COUNTY
I, THE UNDERSIGNED Clerk of the Circuit Court, Duval County, Florida, DO HEREBY CERTIFY that the foregoing is a true and correct copy of the original as the same is recorded and file in the office of the Clerk of Circuit Court of Duval County, Florida.
WITNESS my hand and seal of Office, at Jacksonville, Florida, this 23rd day of FEBRUARY A.D., 2010.

JIM EULER
Clerk, Circuit and County Court
Duval County, Florida
By 
JAN 24 2010
DUVAL COUNTY, FLORIDA

Prepared by,
Record and Return to:

Richard C. Stoddard, Esquire
3100 University Blvd. S., Suite 101
Jacksonville, Florida 32216

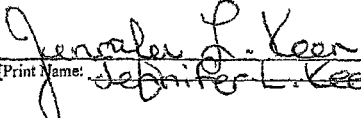
ASSIGNMENT OF FINAL JUDGMENT

KNOW ALL MEN BY THESE PRESENTS: That I, HUGH COTNEY, party of the first part, whose post office address is 233 East Bay Street, Suite 905, Jacksonville, Florida 32202, in consideration of the sum of TEN DOLLARS (\$10.00) to him in hand paid by HOWELL CLIFTON UTLEY, JR. and KARLA KRISTINE UTLEY, parents and guardians of the minor child JANIE REBECCA UTLEY, whose post office address is 6836 Seneca Avenue, Jacksonville, Florida 32210, party of the second part, the receipt where of is hereby acknowledged, has sold, assigned, transferred and set over, and by these presents, does sell, assign, transfer and set over unto the said party of the second part, that certain Final Judgment entered on February 23, 2010 in Duval County Circuit Court Case 16-2008-CA-010332 wherein I was Plaintiff as Attorney Ad Litem for JANE DOE, a minor child, against Defendant RICHARD L. TYLSKI in the amount of \$1,000,000.00 and against Defendant JANE M. TYLSKI in the amount of \$250,000.00, recorded in Official Records Book 15167, Page 1881 and a Certified Copy recorded in Official Records Book 15270, Page 986 of the current public records of Duval County, Florida.

IN WITNESS WHEREOF, this assignment is executed this 16th day of September, 2015.

Signed, sealed and delivered
in the presence of:


[Print Name: Robert Corse]


[Print Name: Jennifer L. Keen]

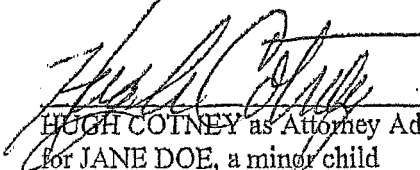


HUGH COTNEY as Attorney Ad Litem
for JANE DOE, a minor child

EXHIBIT B

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me on this 22 day of September, 2015, by HUGH COTNEY, who is personally known to me or who has produced _____ as identification.


 Notary Public
 State of Florida at Large
 My commission expires: 4/23/16



IN THE CIRCUIT COURT IN AND FOR
THE FOURTH JUDICIAL CIRCUIT, IN
AND FOR DUVAL COUNTY, FLORIDA.

CASE NO: 16-2008-CA-010332

DIVISION: CV-F

HUGH COTNEY, as Attorney Ad Litem
for JANE DOE, a minor child,

Plaintiff,

vs.

RICHARD L. TYLSKI, an individual,
JANE M. TYLSKI, an individual,

Defendants,

WELLS FARGO BANK, N.A.,

Garnishee.

WRIT OF GARNISHMENT

You are commanded to Summon Garnishee WELLSFARGO BANK, N.A., 1031 Riverplace Boulevard, Jacksonville, Florida to serve an answer to this Writ on RICHARD C. STODDARD, Judgment Assignees' attorney, whose address is 3100 University Boulevard South, Suite 101 - 3100 Building, Jacksonville, Florida 32216, within 20 days after service on the garnishee, exclusive of the day of service, and to file the original with the clerk of this court either before service on the attorney or immediately thereafter, stating whether the garnishee is indebted to Defendants,

RICHARD L. TYLSKI and JANE M. TYLSKI, whose last known address is believed to be 5356
Tierra Verda Lane, Jacksonville, Florida 32258, at the time of the answer or was indebted at the time
of service of the writ, or at any time between such times, and in what sum and what tangible and
intangible personal property of the Defendants the garnishee is in possession or control of at the time
of the answer or had at the time of service of this writ, or at any time between such times, and
whether the garnishee knows of any other person indebted to the Defendants or who may be in
possession or control of any of any of the property of the Defendants. The amount due set forth in
Plaintiff's Motion For Writ Of Garnishment is \$1,000,000.

DATED on this 03 day of December, 2015.



RONNIE FUSSELL
As Clerk of the Court

Ratoya Cof

By: _____
As Deputy Clerk

NOTICE TO DEFENDANT OF RIGHT AGAINST GARNISHMENT OF WAGES, MONEY, AND OTHER PROPERTY

The Writ of Garnishment delivered to you with this Notice means that wages, money, and other property belonging to you have been garnished to pay a court judgment against you. **HOWEVER, YOU MAY BE ABLE TO KEEP OR RECOVER YOUR WAGES, MONEY, OR PROPERTY. READ THIS NOTICE CAREFULLY.**

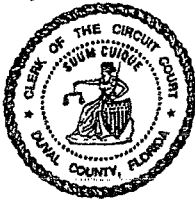
State and federal laws provide that certain wages, money, and property, even if deposited in a bank, savings and loan, or credit union, may not be taken to pay certain types of court judgments. Such wages, money, and property are exempt from garnishment. The major exemptions are listed on the form for Claim of Exemption and Request for hearing. This list does not include all possible exemptions. You should consult a lawyer for specific advice.

TO KEEP YOUR WAGES, MONEY, AND OTHER PROPERTY FROM BEING GARNISHED, OR TO GET BACK ANYTHING ALREADY TAKEN, YOU MUST COMPLETE A FORM FOR CLAIM OF EXEMPTION AND REQUEST FOR HEARING AS SET FORTH BELOW AND HAVE THE FORM NOTARIZED. YOU MUST FILE THE FORM WITH THE CLERK'S OFFICE WITHIN 20 DAYS AFTER THE DATE YOU RECEIVE THIS NOTICE OR YOU MAY LOSE IMPORTANT RIGHTS. YOU MUST ALSO MAIL OR DELIVER A COPY OF THIS FORM TO THE PLAINTIFF AND THE GARNISHEE AT THE ADDRESSES LISTED ON THE WRIT OF GARNISHMENT.

If you request a hearing, it will be held as soon as possible after your request is received by the court. The plaintiff must file any objection within 2 business days if you hand delivered to the plaintiff a copy of the form for Claim of Exemption and Request for Hearing or, alternatively, 7 days if you mailed a copy of the form for claim and request to the plaintiff. If the plaintiff files an objection to your Claim of Exemption and Request for Hearing, the clerk will notify you and the other parties of the time and date of the hearing. You may attend the hearing with or without an attorney. If the plaintiff fails to file an objection, no hearing is required, the writ of garnishment will be dissolved and your wages, money, or property will be released.

YOU SHOULD FILE THE FORM FOR CLAIM OF EXEMPTION IMMEDIATELY TO KEEP YOUR WAGES, MONEY, OR PROPERTY FROM BEING APPLIED TO THE COURT JUDGMENT. THE CLERK CANNOT GIVE YOU LEGAL ADVICE. IF YOU NEED LEGAL ASSISTANCE YOU SHOULD SEE A LAWYER, LEGAL SERVICES MAY BE AVAILABLE. CONTACT YOUR LOCAL BAR ASSOCIATION OR ASK THE CLERK'S OFFICE ABOUT ANY LEGAL SERVICES PROGRAM IN YOUR AREA.

IN THE CIRCUIT/COUNTY COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA.



JIM FULLER
Clerk of the Circuit Court

Case No: _____

Division: _____

_____, Plaintiff,

VS.

_____, Defendant,

and

_____, Garnishee.

CLAIM OF EXEMPTION AND REQUEST FOR HEARING

I claim exemptions from garnishment under the following categories as checked:

I. Head of Family Wages (You must check "a" or "b" below):

- ☐ a. I provide more than one-half of the support for a child or other dependent and have net earnings of \$500 or less per week.
- ☐ b. I provide more than one-half of the support for a child or other dependent and have net earnings of more than \$500 per week, but have not agreed in writing to have my wages garnished.
- ☐ 2. Social Security benefits
- ☐ 3. Supplemental Security Income Benefits
- ☐ 4. Public assistance (welfare)
- ☐ 5. Workers' Compensation
- ☐ 6. Unemployment Compensation
- ☐ 7. Veterans' benefits
- ☐ 8. Retirement or profit-sharing benefits or pension money

____ 9. Life insurance benefits or cash surrender value of life insurance policy or proceeds of annuity contract.

____ 10. Disability income benefits

____ 11. Prepaid College Trust Fund or Medical Savings Account

____ 12. Other exemptions as provided by law (explain) _____

I request a hearing to decide the validity of my claim. Notice of the hearing should be given to me at:

Address: _____

Telephone (Daytime): _____

The statements made in this request are true to the best of my knowledge and belief.

Signature: _____

Date: _____

Sworn and subscribed to before me this _____ day of _____ 20____

By _____

Notary Public/Deputy Clerk

Personally known _____ or produced identification _____

Type of identification produced _____

I hereby certify that a true and correct copy of the foregoing was served by

(a) _____ hand delivery or (b) _____ U.S. Mail this _____ day of _____ 20____

Defendant

IN THE CIRCUIT COURT IN AND FOR
THE FOURTH JUDICIAL CIRCUIT, IN
AND FOR DUVAL COUNTY, FLORIDA.

CASE NO: 16-2008-CA-010332

DIVISION: CV-F

HUGH COTNEY, as Attorney Ad Litem
for JANE DOE, a minor child,

Plaintiff,

vs.

RICHARD L. TYLSKI, an individual,
JANE M. TYLSKI, an individual,

Defendants,

WELLS FARGO BANK, N.A.,

Garnishee.

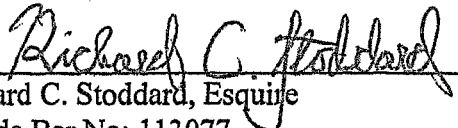
JUDGMENT ASSIGNEES' CERTIFICATE
OF SERVICE OF GARNISHEE'S AMENDED ANSWER
AND DEMAND FOR GARNISHMENT FEE

Attached is a copy of Garnishee Wells Fargo Bank, N.A.'s Amended Answer And Demand
For Garnishment Fee.

2
P.D.'S FOR ID
WIT. R. Tylski
DATE 1-13-16 REP 10/2

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof been furnished to Defendant Richard L. Tylski, by electronic mail to RichTylski65@gmail.com and to John B. Kent, Esquire, Marks Gray, P.A., Attorneys for Garnishee, by electronic mail to jkent@marksgray.com, and to Defendant Jane M. Tylski, 5456 Tierra Verde Lane, Jacksonville, Florida 32258, by U.S. Mail, first class, postage pre-paid, this 28th day of December, 2015.


Richard C. Stoddard, Esquire
Florida Bar No: 113077
3100 University Boulevard South
Suite 101
Jacksonville, Florida 32216
Telephone: (904) 724-5060
Facsimile: (904) 725-4818
Email: rsclaw@bellsouth.net

Attorneys for Judgment Assignees
Howard Clifton Utley, Jr. and Karla Kristine Utley

IN THE CIRCUIT COURT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO.: 16-2008-CA-010332

HUGH COTNEY, AS ATTORNEY AD
LITEM FOR JANE DOE, A MINOR CHILD,

Plaintiff,

v.

RICHARD L TYLSKI, AN INDIVIDUAL,
JANE M TYLSKI, AN INDIVIDUAL,

Defendant,

v.

WELLS FARGO BANK, N.A.,

Garnishee.

AMENDED
ANSWER OF GARNISHEE
AND
DEMAND FOR GARNISHMENT FEE

COME NOW Garnishee, Wells Fargo Bank, N.A., successor in interest to Wachovia Bank, N.A., by and through its undersigned attorneys, and amends its Answer to the Writ of Garnishment served herein on it and says:

1. At the time of service of said Writ (plus sufficient time not to exceed one business day for Garnishee to act expeditiously on the Writ) and at the time of the Answer, and in between said times, excluding any "protected amount" as defined in Title 31, Subtitle B, Chapter II, Subchapter A, Part 212, Code of Federal Regulations, if any, the Garnishee may be indebted to Defendant(s), "Richard L Tylski and Jane M Tylski":

A. in the amount of \$5,608.64 by virtue of an account(s) in the name of "Richard Tylski, Jane Tylski"

B. in the amount of \$176.60 by virtue of an account(s) in the name of "Jane Tylski" at the following address(es):

5456 Tierra Verde Lane
Jacksonville, FL 32258-2281

and Garnishee in good faith has retained the sum of **\$5,785.24** in accordance with Chapter 77, and primarily Section 77.06(2) and (3), *Florida Statutes*.

2. Under Garnishee's Account Agreement with Garnishee's customer, Garnishee has a contractual right of setoff and a security interest in its customer's accounts for Legal Process, including garnishments, and it hereby claims this right as an Affirmative Defense. Specifically, among its other rights, Garnishee is authorized to charge against its customer's account(s) a Legal Process Fee in the amount of \$125.00. See *Baxter Healthcare Corp. v. Universal Medical Labs, Inc.*, 760 So. 2d 1126 (Fla. App. 5 Dist 2000). Said sum has been taken from an account(s) enumerated in paragraph 1 above, or charged to an account(s), and the amount shown in paragraph 1 reflects the sum held and available for garnishment after setoff. Garnishee's Legal Process Fee is in addition to the statutory \$100.00 garnishment fee payable to Garnishee's attorney for filing this Answer (Section 77.28 *Florida Statutes*).

3. The Garnishee has no other deposit, account or tangible or intangible personal property of Defendant(s) in its possession or control at the time of service of said Writ and at the time of this Answer, and in between said times, and knows of no other person indebted to the Defendant(s) or who may have any of the effects of the Defendant(s).

4. Except as provided in paragraph 1 above, the Garnishee has no obligation to make, and has not made, a factual determination as to whether any property of the Defendant(s) in its possession or control is subject to any exemption provided to the Defendant(s) by State or Federal law.

5. The Garnishee has retained the law firm of Marks Gray, P.A. to represent it in this matter and requests that it be paid its attorney's fees and costs as allowed by law.

DEMAND FOR GARNISHMENT FEE

The Plaintiff/Plaintiff's Counsel shall pay to the undersigned Law Firm the \$100.00 deposit for Garnishee's attorney's fee for issuance of the garnishment Writ in the above-style cause pursuant to Section 77.28, *Florida Statutes*, as amended effective July 1, 2014.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished to the email or mail address(es) listed on the attached service list by email or mail on December 28, 2015.

MARKS GRAY, P.A.

By /s/ John B. Kent

John B. Kent
Florida Bar No. 042442
P.O. Box 447
Jacksonville, FL 32201
Telephone: (904) 398-0900
Facsimile: (904) 399-8440
jkent@marksgray.com
Attorneys for Garnishee

SERVICE LIST

Richard C. Stoddard, Esq.
(rsclaw@bellsouth.net;:)

D.H. W. Ansell

CLAIM OF EXEMPTION AND REQUEST FOR HEARING

① #3
P/S/D/SEX _____ FOR ID
WIT. R. T. Y. / S. K. /
DATE - 17-16 REP 012

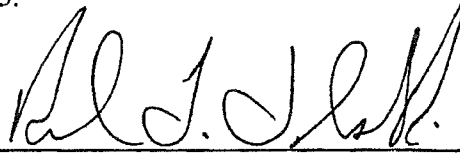
- 8. _____ Retirement or profit-sharing benefits or pension
- 9. _____ Life insurance benefits or cash surrender value of life insurance policy or proceeds of annuity contract
- 10. X Disability income benefits
- 11. _____ Prepaid College Trust Fund or Medical Savings Account
- 12. _____ Other exemptions as provided by law (explain):

I request a hearing to decide the validity of my claim. Notice of the hearing should be served to me at: **Richard L. Tylski, 5456 Tierra Verde Lane, Jacksonville, Florida 32258.**

Certification

I certify that the statements made in this request are true and correct to the best of my knowledge and belief.

Dated this 4TH ^{JANUARY 2016 n/a} day of ~~December~~ 2015.

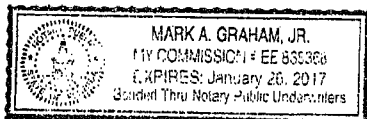

Richard L. Tylski

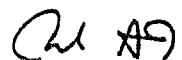
STATE OF FLORIDA)

COUNTY OF DUVAL)

The foregoing instrument was sworn to and subscribed before me this 4th day of ^{January, 2016} ~~December, 2015~~ by Richard L. Tylski who is personally known to me or has produced FL DL exp 02/27/2017 as identification.

(Notary Seal)

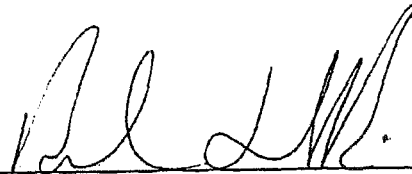



Notary Public, State of Florida

Mark A. Graham Sr
Printed Name

Certificate of Service

I certify that, on ~~December~~ ^{JANUARY} 4TH, ²⁰¹⁶~~2015~~, a copy of the foregoing was furnished by U.S. Mail, postage prepaid to Richard C. Stoddard, Esq., 3100 University Boulevard South, Suite 101, Jacksonville, Florida 32216.



Richard L. Tylski
5456 Tierra Verde Lane
Jacksonville, Florida 32258